

FISCAL NOTE

HB 272 - SB 1671

March 21, 2007

SUMMARY OF BILL: Increases the penalty for mailbox tampering from a Class B misdemeanor to a Class E felony and deletes the current community service requirement.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$72,500 / Incarceration*

Decrease Local Govt. Expenditures – Not Significant

Assumptions:

- According to the Administrative Office of the Courts, there was one conviction in the state trial courts in FY06 for this offense. The Department of Correction (DOC) assumes the addition of convictions in general session courts would increase the total to 10 convictions per year. According to the U.S. Census Bureau, the population growth in Tennessee has been 1.09 per year for the past 10 years. Population growth would result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders.
- Eleven offenders would be convicted of the Class E felony of mailbox tampering and would serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The operating cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The total additional operating cost for 11 offenders is \$72,515.63 (\$6,592.33 x 11).
- Eliminating the current community service requirement will have a not significant fiscal impact on local government.
- Increasing the penalty from a misdemeanor to a felony offense will result in a decrease in local government expenditures because offenders will be sentenced to prison rather than local jails. The decrease is estimated to be not significant.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director